

AMENDMENT UNDER 37 C.F.R. §1.111
U.S. APPLN. NO. 10/677,384
DOCKET NO. Q72954

REMARKS

Claims 1-20 are all the claims pending in the application.

Claim Rejections - 35 U.S.C. § 112

Claims 2, 3 and 9 stand rejected under 35 U.S.C. § 112, second paragraph. Applicants have amended these claims in a manner believed to overcome the rejection.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 4-8 and 10-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by McKenna et al. (U.S. Patent No. 6,082,592). Applicants respectfully traverse.

Claim 1 recites a vent member passing through the thickness of a vertical skirt. The Examiner asserts that Fig. 23 of McKenna discloses a skirt 14 with a vent 104 passing through it as claimed. The vent 104 passes through a horizontal portion of element 14. Even if the horizontal portion of McKenna element 14 could be considered a skirt, it cannot constitute the skirt as claimed because it is not vertical. Accordingly, claim 1 is allowable over McKenna at least because McKenna lacks a vent passing through the thickness of a vertical skirt as claimed.

Furthermore, it would not have been obvious to modify McKenna to reach the claimed invention. The McKenna vent 104 is not designed to allow the outlet of air from the reservoir during mounting and to be sealed at mounting, as in a non-limiting embodiment of the claimed invention. Instead, the function of the vent hole is to provide air from the atmosphere to the reservoir when the pump is actuated (*see* the McKenna Abstract and column 6, line 62 to column 7, line 6). Accordingly, it is clear that in McKenna, the vent 104 is placed on the horizontal

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radial flange 14. It cannot be moved to the vertical skirt, because if it were placed on the vertical skirt, the vent hole would be closed off upon mounting and it could not perform its desired function of providing air to the reservoir.

In view of the above, claim 1 is allowable over McKenna and claims 4-8 and 10-12 are allowable at least by virtue of their dependency.

Claim 13 recites that the vent hole is closed off by the reservoir when the fixing member is mounted on the reservoir. For example, the non-limiting embodiment of Fig. 4 illustrates the vent 115 closed off when the fixing member 100 is mounted on the reservoir 2. In contrast, as noted above, in McKenna the vent 104 is designed to provide the inlet of air when the pump is actuated. Accordingly, the alleged McKenna vent hole is not closed off and would not be closed off as claimed. Claims 14-20 depend from claim 13 and are therefore allowable at least because of their dependency.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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